

INVITATION TO TENDER

EXPRESSION OF INTEREST FOR PROVISION OF LEGAL SERVICES

Reference: EOI 1-2020

Issue Date: 19th February 2020

Closing Date: 6th March 2020

BACKGROUND

The Botswana International University of Science and Technology, "BIUST", is a university established under Section 2 of the BIUST Act, Cap 57:07 with the objective to:

- Provide higher education and learning, undertake, promote and facilitate research and scholarly investigations, advance, disseminate knowledge and skills through teaching, learning and practical skills training, contribute to national and international scientific and technological development, support and contribute to the realization of national, economic and social development and advance the intellectual and human resource capacity of the international community.

1. TENDER INFORMATION

Law firms are invited to submit proposals for consideration to provide legal services to BIUST. The proposals will be evaluated, and suitable law firms selected to form a panel of attorneys to be engaged by BIUST as and when the need arises. BIUST reserves the right to exercise its discretion in selection of the law firm to engage as guided by expediency, geographical location and experience. The applicants should demonstrate in-depth experience in the following areas:

- Employment and Labour Law
- Arbitration
- Intellectual Property
- Litigation
- Company Law
- Debt Collection
- Contract Law
- Construction Law
- Public Private Partnerships

2. SCOPE

This EOI does not constitute a legally binding contract on BIUST nor does it confer any financial obligation upon BIUST towards the applicants for any expenses incurred by the latter in preparing, submission of any proposal nor shall it be deemed to be an RFP. The EOI requires part time engagements as and when the need arise.

3. ELIGIBILITY REQUIREMENTS

For a law firm to be eligible for evaluation and further consideration for selection, it must be in good standing with the Law Society of Botswana and must submit the following documents with the expression of interest:

- Latest trust account audit report
- A covering letter detailing the firm experience and qualifications of its attorneys
- Current practicing certificate for all practicing attorneys in the firm

- Fidelity certificates
- Company profile
- Valid tax clearance to be verified with BURS during evaluation.
- A detailed breakdown of legal fees
- PPADB certificate, Code 318(Legal and Arbitration Services, Code 01(Legal Services)
- Three traceable referees
- A minimum of three (3) years' experience for the junior attorney, (5) years for senior attorney and ten (10) years for lead attorneys/directors.
- Organizational structure highlighting each practitioner's key competencies
- Brief description of internal processes followed to ensure quality control of matters delegated to attorneys
- Other services provided by the legal practice/practitioner
- Brief description of the assistance that maybe required from BIUST to assist with effective and efficient discharge of the required legal practice
- A declaration that there is no conflict of interest and non-competitive behavior with regards to the EOI in whatsoever form (Annexure 1)

4. RETENTION PERIOD

The successful applicant will be retained for a period of five (5) years.

5. CONTRACT MANAGEMENT

The successful law firm will be required to designate an attorney who will be responsible for managing the account and act as a liaison person between the firm and the University. The designated officer should be available at all time receive instructions or to discharge orders and discharge special assignments from BIUST through its nominated representative regarding services required

6. DISCLAIMER

BIUST reserves the right to;

Accept or reject any or all the applications, revise, request for further information/clarity from one or all the applicants and to cancel or withdraw the process in whole or in part. Cancel or withdraw the E.O.I and to notify applicants through a public notice. Enter into other contracts for legal services derived from outside this process

7. SELECTION CRITERIA.

The application should be drafted concisely articulating the key areas. Selection will be made based on the applicant's strategy and capacity, level of experience/expertise, additional qualifications, accreditation or professional affiliations that maybe relevant to BIUST.

8. Proposals with functionality/technical points of less than the pre-determined minimum overall percentage of 70% and less than 70% on any of the individual criteria will be eliminated from further evaluation.

9. FUNCTIONAL EVALUATION CRITERIA

EVALUATION CRITERIA FOR MEASURING FUNCTIONALITY	WEIGHT %
Proposal: The Bidder must demonstrate expertise and knowledge of the area of specialization that the attorney is tendering for: <ul style="list-style-type: none"> • Legal knowledge- Key areas of specialization • Availability of capacity and resources 	20 10 30
Law Firm Experience: <ul style="list-style-type: none"> •The law firm must have demonstrable experience in the area of specialization that they are tendering for, as set out in the specification requirements. •A minimum of 3 reference letters with details of the service rendered are to be submitted. 	20 10 30
Resources Experience – Detailed CVs indicting work done, and years of experience must be submitted: <ul style="list-style-type: none"> •Lead Partner/Director The lead partner or director can be proposed in more than one area of expertise if they possess such experience. Minimum 10 years' experience of post admission as an attorney for the area of specialization. •Senior Attorney The Senior Attorney can be proposed in more than one area of expertise if they possess such experience •Junior Attorney The Junior Attorney can be proposed in more than one area of expertise if they possess such experience Minimum 3 years' experience post admission as an attorney for the area of specialization 	25 10 5 40
TOTAL	100

FINANCIAL EVALUATION

Competitiveness of legal fees -

10. SUBMISSION OF RETURNABLE DOCUMENTS

10.1 One hard copy of EOI clearly marked as BIUST TENDER EOI 1/2020 and addressed to Director Legal Services should be deposited in the tender box placed at Procurement Office

11. SUBMISSION OF RESPONSES.

11.1 All Expression of Interests are to be sealed. No open proposals will be accepted.
 11.2 All Expression of Interests are to be clearly marked with the EOI number and the name of the tenderer on the outside of the main package.
 11.3 Expression of Interests submitted firms must be signed by a person or persons duly authorized.

12. ELIMINATION CRITERIA

Bidders will be eliminated under the following conditions-

12.1 Submission after the deadline;
 12.2 Proposals submitted at incorrect location;
 12.3 Failure to submit one or all of eligibility requirements outlined under Paragraph 3 above.

13. ENQUIRIES

Any enquiries relating to the EOI should be forwarded to **makwatip@biust.ac.bw** and copied to **tenderbids@biust.ac.bw**

DECLARATION BY THE APPLICANT

I _____, hereby declare that I have no participation in any collusive practices with any other tenderer or any other person regarding this proposal.

I accept that BIUST may take any action deemed appropriate and necessary against me should there be a conflict of interest or if this declaration proves to be false and misleading in awarding this tender.

Name (Print): _____
 Capacity: _____
 Signature: _____
 Name of Legal Practice: _____

Witness 1: _____
 Witness 2: _____

